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HUDAK, SHUNK & FARINE, CO., L.P.A. 2020 FRONT STREET SUITE 307 CUYAHOGA FALLS, OH 44221			KURTZ, BENJAMIN M	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## DETAILED ACTION

### ***Response to Arguments***

1. Applicant's arguments filed 3/18/08 have been fully considered but they are not persuasive.

Applicant argues the strip shaped lateral wall of Greer does not have a linear vertical cross section along its entire length as elements (27 and 28) must be included in the lateral wall. The element (26) of Greer is a strip shaped lateral wall with a linear cross section along its entire length as defined by the claim. The lateral wall (26) of Greer has a further section (27 and 28) attached to it but the element (26) itself, is a strip shaped lateral wall as claimed.

The lateral wall is further located at the inner side of the peripheral wall of the container as it is located inside the container. Given the broadest reasonable interpretation being fitted at the inner side of the peripheral wall would be at least in proximity to the inner side of the peripheral wall and the lateral wall of Greer is located in proximity to the inner side of the peripheral wall.

The lid bottom of Greer merges with the lateral wall where the curved edge touches the lateral wall (26). Having the curved edge of the lid bottom touching the lateral wall is considered to be a merging of the two elements as there is nothing between them.

The common wall section tapers at the U-shaped bottom portion at the extremity of elements (22) and (26) as shown in figures 1 and 2 of Greer.

The common wall section, where elements (22) and (26) touch, is parallel with the container wall and is adjacent thereto. Merriam-Webster's dictionary defines adjacent as not distant, nearby. The common wall section is nearby the container wall and is thereby considered to be adjacent thereto.

As discussed above the lateral wall (26) is a strip shaped lateral wall as defined by the claim and is parallel to the common wall section and the cartridge container. Also, as discussed above, using the broadest reasonable definition of adjacent the lateral wall is adjacent to the container wall.

Regarding claim 2, Greer teaches the lateral wall is a linear tangent line where the lateral wall and the curved edge section connect. As shown most clearly in figure 2 of Greer where the curved edge section and the lateral wall connect the lateral wall is tangent to the curved edge.

Regarding claim 5, as discussed above the only difference between the prior art and the claimed invention is a recitation of relative dimension. Greer teaches the curved lid for use in a pressurized container but does not teach a preferred ratio of radius of curvature in relation to the wall thickness. Applicant cites page 5 of the specification as providing secondary evidence for the claimed dimension. Page 5 of the specification only cites that a greater radius of curvature provides more favorable force distribution. This is not an adequate showing of secondary evidence as "the general conditions of the claim are disclosed in the prior art and it is not inventive to discover the optimum or working ranges by routine experimentation" *In re Aller*, 105 USPQ 233, 1955). Applicant also cites page 4 the third full paragraph of the specification as

secondary evidence, however page 4 of the specification is in relation to the curved edge section and the common wall section, all of which are taught by Greer.

Regarding claims 9, 10, 19 and 21, the back up ring of Stifano helps redirect the pressure in the container to the walls of the container making a stronger seal. The container outer wall having a bent over section does not negate the benefits gained by the addition of the teachings of Stifano.

Regarding claim 15, as taught by Gizowski the use of the laser welding enables increased manufacturing rates and provides a higher quality fluid seal which would be desirable over other connection methods, such as those taught in Greer.

Regarding Schlensker, applicant argues that Schlensker does not have a lateral wall having a linear cross section along its entire length and is thereby not parallel to the peripheral wall. The examiner agrees the lateral wall of Schlensker is not linear along its entire length, as it has small variations as part of the lateral wall. However, the lateral wall taken as a whole extends parallel to the peripheral wall and is considered to be parallel thereto despite its small variations. Furthermore, the curved edge section joins the common wall section in the same fashion as that shown in the present application. Therefore, the same structure of the curved edge section joining the lateral wall as a tangent line is present in the prior art of Schlensker.

Regarding claim 5, the difference of the curvature of radius is not related to the lateral wall having a linear cross section along its entire length. The only difference between the prior art and the invention as claimed in relation to the radius of curvature is a change in dimension and therefore Gardner is properly applied.

Regarding claim 9, Stifano teaches ribs extending from an inner ring (fig. 6) and also teaches the ribs may be separate from the outer edge and thereby constitute an outer lateral wall to which they extend (fig. 2, col. 3, lines 32-34).

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BENJAMIN KURTZ whose telephone number is (571)272-8211. The examiner can normally be reached on Monday through Friday 8:00am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Sample can be reached on 571-272-1376. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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